

**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION  
HELD AT 6:00 P.M., THURSDAY EVENING, JANUARY 13, 2005  
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

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**MEMBERS PRESENT:** Berube, Paul  
Ellis, William  
Graham, Elijah  
Harris, Alvin  
Martinez, Ramy  
Ruck, Lance – Chair  
Schwartz, Elma

**MEMBERS ABSENT:** Peña, Andrew  
Sutherland, Ken

**ALSO PRESENT:**

Almonte, David - OMB  
Bond, Terry – HR Director/CSC Secretary  
Buenning, Rosy – CSC Recorder  
Cuellar, Lupe – Asst. City Attorney  
Fargo, Peter - Human Resources  
Foster, Terry  
Jimenez, Jesus  
Langfeldt, Willie  
Lopez, Mario  
Lozano, Jaime  
Martinez, Gabriela  
Martinez, Lupe – Asst. City Attorney

Mendoza, Rozanna  
Momsen, Richarda – Municipal Clerk  
Monreal, Manuel  
Mueller, Paul - Human Resources  
Puga, Monica  
Sanchez, Martha  
Silva, Antonio  
Stern, Cathy  
Thomas, Linda – HR Asst. Director  
Uribe, Sandra

The meeting convened at 6:04 p.m. with a quorum of 7 Commissioners present and Chair Ruck presiding.

**CONSENT AGENDA**

Chair Ruck requested Item 2D be moved to the Regular Agenda.

1. Discussion and Action on Approval of Minutes:

December 9, 2004

2. Discussion and Action on Approval of Contracts:

- A. Undergraduate Intern Contract with Emma M. Beall from January 18, 2005 through January 17, 2006, for the El Paso International Airport.
- B. Personal Services Contract with Gabriela Martinez to perform the duties of SAMHSA Focus Project Manager from January 15, 2005 through September 29, 2005, for Community & Human Development.
- C. Personal Services Contract with Nancy Melendez-Forbes to perform the duties of SAMHSA Focus Project Developer from January 28, 2005 through September 29, 2005, for Community & Human Development.
- D. Personal Services Contract with Thomas M. Doyle to perform the duties of Senior Grants Coordinator from January 22, 2005 through January 26, 2006, for the Office of Management and Budget.

*This item was discussed at the beginning of the Regular Agenda.*

Chair Ruck stated that last time this item was on the agenda there were questions and concerns from employee groups reference the difference in pay between the classified services employees and the same positions that are being given to contract employees. He said that after looking at the pay scales he noticed that a grants coordinator maximum pay is about \$54,000 in the classified service. He understood that they added the word "Senior" to the title and changed some responsibilities, however, the \$66,950 pay for this contract represented a 10% increase per year for the past 2 ½ years, or a good 20-25% over what the book shows is the maximum salary for a Grants Coordinator. Chair Ruck asked if this person was in fact going to be in charge of the whole department.

David Almonte, OMB Director, stated that Mr. Doyle was going to be in charge of all grant writers in the section. He advised the Commission that this function was previously under Bill Chapman, the CFO, who is no longer with the City therefore this function was now under Mr. Almonte's direction. Mr. Almonte requested the contract be approved and stated that during that period he would be reevaluating what the function of the grants section is going to be in the future.

MOTION TO APPROVE ITEM 2D MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER HARRIS AND PASSED BY THE VOTE OF 5 TO 1.

Ayes: Commissioners Graham, Martinez, Berube, Schwartz, Harris

Nays: Commissioner Ellis

- E. Personal Services Contract with Marco A. Ramos to perform the duties of Financial and Benefits Systems Administrator from January 17, 2005 through January 16, 2006, for the Office of Management and Budget.
- F. Personal Services Contract with Leticia Trejo to perform the duties of Victim Services Volunteer Coordinator from January 14, 2005 through August 31, 2005, for the Police Department.
- G. Fifteen (15) Independent Services Contracts for the El Paso Museum of Art:
 

1. Burtz, Wendy	9. Najera-Macias, Norma
2. Chavez, Viola	10. O'Brien Long, Mary
3. Del Genio, Laurie	11. Overstreet, Mitsu
4. Fritsch, Ronald	12. Peppas, Dawn
5. Garcia, Martha	13. Rudnick, Janine
6. Light, Susan	14. Speaker, Tracy
7. Livingston, Marie	15. Touchon, Ouida
8. Murphy, Michelle	
- H. Personal Services Contract with Catherine A. Stern to perform the duties of Executive Staff Assistant from January 17, 2005 through July 16, 2005, for the City Manager's Office.

MOTION TO TABLE ITEM 2H UNTIL AFTER THE DISCUSSION ON ITEM 13 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 2H MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 5 WITH 1 ABSTENTION.

Ayes: Commissioners Graham, Martinez, Berube, Schwartz, Harris

Nays: Commissioner Ellis

3. Discussion and Action on Approval of Applications for Outside Employment:

- |                           |                               |
|---------------------------|-------------------------------|
| A. Acuna-Ray-Police       | D. Aldana-David A.-Police     |
| B. Aguilar-Eduardo-Police | E. Alvidrez-Jesus C.-Police   |
| C. Alaniz-Martha-Police   | F. Arellano-Carlos Jr.-Police |

G.	Binion-Jay S.-Fire	CC.	Munoz-Mark V.-Police
H.	Borjon-Adolfo-Police	DD.	Navarro-Jose-Police
I.	Camacho-Roberto-Fleet Services	EE.	Ortiz-Jose A. Jr.-Police
J.	Chavez-Jorge L.-Police	FF.	Plum-Michael William-OMB
K.	Chavez-Miguel-Police	GG.	Ramirez-Ernest-Police
L.	Corrales-Silvia-Parks & Recreation	HH.	Rivas-Hayde Leticia-Solid Waste Management
M.	Flores-Jaime-Police	II.	Rodriguez-Alfredo III-E.P.W.U.
N.	Fonseca-Orlando Robert III-Mass Transit	JJ.	Rodriguez-Nick-Police
O.	Frayre-Jorge N.-Police	KK.	Romero-Louie-Police
P.	Gardner-Michelle M.-Police	LL.	Saenz-Abel-Police
Q.	Gonzalez-Vicente E.-Fire	MM.	Salcedo-Hector-Police
R.	Hernandez-Jose-Fire	NN.	Sanchez-Gilbert-Police
S.	Herrera-Pedro-Mass Transit	OO.	Seelig-Alfred-Police
T.	Herrera-Pete S.-Police	PP.	Seelig-Arthur L.-Police
U.	Licon-Michael-Police	QQ.	Tarango-Erick-Police
V.	Lom-Raul S.-Police	RR.	Valenzuela-Andy-Police
W.	Lopez-Daniel-Police	SS.	Valenzuela-Jorge H.-Police
X.	Lopez-Ruben-Police	TT.	Valle-Joseph-Police
Y.	Lowe-Alfred-Police	UU.	Weathersbee-Anthony-Police
Z.	Mata-Carlos H.-Police	VV.	Wiles-Richard D.-Police
AA.	Molinar-Joe R.-Police	WW.	Zavala-Robert Jr.-Police
BB.	Monarez-Justino-Police		

4. Notice of Promulgation of Eligible Lists:

- A. Carpenter (P-2)(CR-0)(O-6)Customer Relations Clerk (P-6)(CR-4)
- B. Customer Service Supervisor (P-9)
- C. Customer Service Worker (P-7)(CR-2)
- D. Engineering Aide (CR-1)(O-15)
- E. Hydrogeologist (P-1)
- F. Laboratory Analyst (O-6)
- G. Messenger I (P-8)(CR-2)(O-69)
- H. Pipelayer (Water Division) (P-10)

5. Discussion and Action on Approval of Classification Actions:

New Job Class/Revised Job Class/Revised Job Class & Grade/Revised Job Class, Title & Grade

	<u>Title</u>	<u>Code</u>	<u>Grade</u>
A.	Official: Airport Operations Officer	5319	PM 77
	Proposed: Same	Same	Same

6. For Notation: Request to have appeal heard by Arbitrator:

- A. Headen, Karim M. – Termination – Police Dept. (CP04-181)
- B. Medina, Michael A. – Suspension – Police Dept. (CP04-164)
- C. Pisarcik, Robert D. – Demotion – Police Dept. (CP04-221)
- D. Romero, Louie A. – Suspension – Police Dept. (CP04-273)
- E. Smith, Steven – Suspension – Police Dept. (CP04-152)
- F. Vargas, Juan – Suspension – Police Dept. (CP04-272)
- G. Velez, Michael – Suspension – Police Dept. (CP04-184)

7. Discussion and Action on request to assign pending appeal cases:

- A. Granados, Irene – Suspension – Solid Waste Management
- B. Maese, Jose – Termination – Mass Transit
- C. Opdyke, Robert – Termination – Mass Transit

8. Discussion and Action on request to have named placed on Transfer List:
- A. Martinez, Daniel – Building Maintenance Worker II – Mass Transit
  - B. Mendoza, Marguerita – Accounting Clerk - Airport
9. Discussion and Action on request to have name placed on Reinstatement List:
- A. Foster, Terry – Coach Operator – Mass Transit
  - B. Monreal, Manuel – Clerk Typist II – Human Resources
  - C. Silva, Antonio – Refuse Collection Division Supervisor – Solid Waste Mgmt.
  - D. Uribe, Sandra – Secretary I – Community & Human Development
10. Discussion and Action on Approval of Merit Increases in accordance with C.S.C. Guidelines:
- A. Airport - Jones, Alan - Aviation Op. & Security Asst. Dir.
  - B. Airport - Lombrana, Monica - Aviation Dev. Asst. Director
  - C. Airport - Mateo, Jose - Airport Systems Technician
  - D. Airport - Mendoza, Irma - Secretary I
  - E. Airport - Sharpe, Terrence - Airport Operations Officer
  - F. Community & Human Dev. - Corona, Norma - Sr. Citizen Program Coordinator
  - G. Community & Human Dev. - Garcia, Gloria - Secretary I
  - H. Community & Human Dev. - Gonzalez, Janet - Secretary I
  - I. Community & Human Dev. - Herrera, Jaime - Housing Program Specialist
  - J. Community & Human Dev. - Hicks, Robert E. - Housing Program Specialist
  - K. Community & Human Dev. - Love, Eleanor - Grants Planner
  - L. Community & Human Dev. - Rodriguez, Reina L. - Sr. Citizen Program Specialist II
  - M. Community & Human Dev. - Serna, Jaime - Housing Construction Specialist
  - N. Community & Human Dev. - Tillman, Rhoda - Grants Planner
  - O. Community & Human Dev. - Valdivia, Maria I. – Senior Citizen Program Coordinator
  - P. Community & Human Dev. - Van Beek, Diana - Grants Planner
  - Q. Comptroller - Jimarez, Maria E. - Accountant II
  - R. Comptroller - Pankratz, Hugh - Disbursements Supervisor
  - S. Comptroller - Tombosky, Debra - Accountant III
  - T. Fire - Ledesma, Norma - Secretary I
  - U. Human Resources - Thomas, Linda B. – HR Assistant Director
  - V. Municipal Clerk - Ramos, Maria O. - Accountant III
  - W. Municipal Clerk - Richman, Maria - Clerk Typist III
  - X. Municipal Clerk - Santiesteban, Olivia - Customer Service Representative
11. Discussion and Action on Request for Temporary Promotion:
- A. Martinez, Valentin – Street Dept.  
From: Equipment Operator III  
To: Street Operations Supervisor
  - B. Rodriguez, Raymundo – Police Dept.  
From: Police Lieutenant  
To: Police Commander
12. Discussion and Action on Approval of Hearing Officer's Invoice:
- A. Palafox, Patricia – Dated 12/26/04 – October 2004
  - B. Palafox, Patricia – Dated 12/26/04 – November 2004
  - C. Palafox, Patricia – Dated 12/26/04 – December 2004

MOTION TO APPROVE THE CONSENT AGENDA WITH THE MODIFICATIONS MADE BY COMMISSIONER HARRIS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

**REGULAR AGENDA**

*Item 2D was addressed here.*

13. Discussion and Action on displacement from Secretary III position filed by Catherine A. Stern.

Ms. Stern was present and stated that many things have changed since she initially filed this concern and she has been offered a position at the City Manager's office. She said she no longer needed the Commission to intervene on her behalf and allow her to stay in her position in the Purchasing Department, however, she still wanted to address the issue reference the rules governing displacement due to abolishment of positions. She believed that the rule allowing a displaced employee to bump another employee with less seniority was setting a bad precedent. She stated there were several employees that come to work for the City with very good qualifications. Why would these individuals seek employment with the City when their qualifications, their experience and their performance on the job wouldn't matter in a situation like this?

Chair Ruck said that he had requested some backup from Ms. Bond and read the response, "Ms. Stern was displaced from her Secretary III position due to the abolishment of a Secretary III position that was occupied by an incumbent who had more seniority. The applicable rules are 20 Section 2 and Charter Section 6.10.1 and 6.10.2. He asked Ms. Bond if there were junior Secretary III's than Ms. Stern who could have been displaced instead of her and were there Secretary III vacant positions that this other person could have gone to.

Ms. Bond said there were no Secretary III's with less seniority than Ms. Stern. She was the Secretary III with the least total seniority with the City. There was one vacant position in the Parks Department but the Department Head was in the process of changing that position to an Administrative Assistant position. There is another position which is funded but is on hold for salary savings and is not projected to be filled until March or April.

Ms. Stern asked if the seniority was based on her seniority in her position or with the City?

Ms. Bond read a portion of Charter Section 6.10-1 as follows, "... permanent employment based on seniority in all City positions held."

Ms. Stern said she was concerned about that because of individuals who came to work for the City already highly-qualified.

Chair Ruck commented on her excellent evaluations and her zeal for the job and wondered how the City benefited from displacing someone who is doing such an excellent job. He understood that it was strictly a seniority issue under the rules although it wasn't always beneficial to the City.

Commissioner Ellis commented on Ms. Bond's response and asked if the abolished position she talked about was abolished by City Council and when. He asked if there was an organized process by which Secretary III's were being eliminated from the staffing tables.

Ms. Bond said it was sometime in December. She reminded the Commission of a couple of meetings back when a number of Secretary III's from the legal department were reclassified to Legal Secretaries and stated this was how this present situation came about.

Commissioner Ellis asked if it was true that the person who was originally going to bump Ms. Stern from Purchasing was no longer going to be moved and was going to remain in the legal department? He wondered how that was happening if the position was abolished?

Ms. Bond said yes, that was her understanding, at least temporarily. She stated that there was a provision in the rules that talk about a 60-day waiting period if the City is unable to find a position when there is an abolishment. She said that after the 60-day period the Department Head was going to be

working that employee out-of-classification and at the end of that 30-day period she would be coming before this Commission to request permission to work that individual out-of-classification.

Commissioner Ellis said it looked like the position was abolished, but it really wasn't.

Commissioner Berube told Ms. Stern that reference amending the Charter, the only way that could happen was by an election of the people.

Ms. Stern said she understood but stated that it was a bad rule. She said that if an employee is going to be displaced, other things should be considered in that displacement. She reiterated her previously stated reasons for this belief. She stated that Civil Service was supposed to be fair to all employees and this showed they were fair to only certain employees. She said she brought this to the Commission's attention because otherwise they might not be aware of these things occurring and what effect this has on other employees. She was certain this would happen again and affect other employees.

Chair Ruck asked who would be taking her position in Purchasing now that Ms. Stern was going to be working for the City Manager?

Ms. Stern said the Clerk Typist was going to be filling in temporarily until the position was filled.

David Almonte, OMB Director, stated that they were not going to be filling the position, they were going to be spreading some of the workload within the department.

Commissioner Ellis said he was troubled about someone being bumped out of a position and being in limbo for a while, only to find out that the whole thing unnecessary in the first place because the person who was supposed to bump her was staying where she was. He said the whole thing seemed to be rather ill-coordinated.

MOTION TO DELETE ITEM 13 MADE BY COMMISSIONER ELLIS SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

14. Discussion and Action on Report from Committee regarding interview of Hearing Officer candidate Roberta Buchman Cross.

MOTION TO DELETE ITEM 14 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

Chair Ruck explained to the audience that the Commission had a meeting earlier to interview Ms. Cross and the entire Commission voted on hiring her as a third Hearing Officer with a 6-month contract.

15. Discussion and Action on Pending Appeals of (Tabled 12/09/04):

- A. Jimenez, Jesus Jr. (04-ST-04BY)
- B. Miranda, Miguel (04-ST-05BY)
- C. Torres, Javier (04-ST-06BY)

Mr. Perez, Attorney at Law, believed the agenda item was mislabeled as an appeal, he said this wasn't an appeal.

Ms. Bond said these were appeals of termination.

Chair Ruck stated that the Commission had received a complete packet on these cases including a CD of the hearings. The Commission has had a chance to review all of it and the Commission will rule on upholding the terminations or changing them at today's meeting.

Ms. Cuellar concurred with Chair Ruck's statements and said it was properly posted.

Mr. Perez said there had been a subsequent action on the criminal cases, they were all resolved. He had an order where his client was dismissed of any criminal conduct due to no evidence being presented against his client.

Assistant City Attorney Lupe Martinez reiterated that the criminal cases and the City's cases are two separate issues with two different standards and wanted the Commission to remember that.

MOTION THAT THE TERMINATION OF JESUS JIMENEZ, JR., ITEM 15A, BE SUSTAINED MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

MOTION THAT THE TERMINATION OF MIGUEL MIRANDA, ITEM 15B, BE SUSTAINED MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

MOTION THAT THE TERMINATION OF JAVIER TORRES, ITEM 15C, BE SUSTAINED MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

16. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 8.1.d.1.:

A. Langfeldt, Wilfred – Fire Medical Lieutenant

Mr. Langfeldt was present. Chair Ruck read the specifics of Mr. Langfeldt's disqualification. Mr. Langfeldt referred to Ordinance 8065, Rule 8.f. which says applicants will be given credit for job experience from the first day of entry into the qualifying job. He stated that he attained his certification in March 2002 and has functioned as a paramedic since then. He detailed his experience from the time he started his duty until he promoted to Fire Paramedic.

Paul Mueller, Human Resources Analyst, reiterated that it wasn't how long Mr. Langfeldt had been a paramedic, it was how long he has held the rank to qualify him for this position. The specification and the Articles of Agreement are asking for 2 ½ years and he has held this position for only 4 months.

Assistant City Attorney Lupe Cuellar told the Commission that Article 3 of the Fire Department's Articles of Agreement also stated that the Civil Service provisions shall govern in these cases except as provided for in the agreement, and the agreement states that they require 2 ½ years.

Chair Ruck asked Chief Surface if that was the interpretation that the Fire Department had.

Chief Surface said it was.

MOTION TO DENY ITEM 16A MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER MARTINEZ AND PASSED BY A VOTE OF 5 TO 1.

Ayes: Commissioners Martinez, Berube, Schwartz, Harris, Ellis  
Nays: Commissioner Graham

B. Medina, Jesus – Parking Meter Service Worker

Mr. Medina was not present. Chair Ruck read the specifics of Mr. Medina's disqualification.

Monica Puga, Human Resources Analyst, said she gave Mr. Medina the 30-day credit for his experience because she reviewed his personnel file and did not find anything official in his file so that she could give him that credit.

Commissioner Berube said that unless the department requests approval for the employee to work Out-of-Class, then the employee cannot get that credit.

MOTION TO DENY ITEM 16B MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER MARTINEZ AND PASSED BY A VOTE OF 5 TO 1.

Ayes: Commissioners Martinez, Berube, Schwartz, Harris, Ellis  
Nays: Commissioner Graham

C. Rodriguez, Jesus – Parking Meter Service Worker

Ms. Bond requested Item 16C be deleted.

MOTION TO DELETE ITEM 16C MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

D. Lopez, Mario – Stores Clerk II

Mr. Lopez was not present. Chair Ruck read the specifics of Mr. Lopez' disqualification.

MOTION TO DENY ITEM 16D MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

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The Commission retired into Executive Session at 6:38 p.m. to discuss Item 17, and reconvened for Open Session at 6:52 p.m.

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MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER MARTINEZ SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

17. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rules and Regulations:

A. Lozano, Jaime – Parking Meter Service Worker (11.3.g.)

Mr. Lozano was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 17A MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

B. Lopez, Mario – Stores Clerk II (11.3.g.)

*This item was moot since Mr. Lopez had been denied on Item 16D.*

MOTION TO DELETE ITEM 17B MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

C. Fierro, Hector – Trades Helper (11.3.g.)

Mr. Fierro was not present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO DENY ITEM 17C MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

D. Martinez, Manuel – Communication Dispatcher I (Ord. 8064, 5.1.b.)

E. Martinez, Manuel – Transit Communication Dispatcher (Ord. 8064, 5.1.b.)

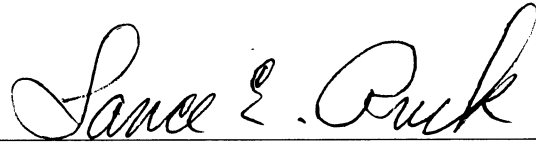
Mr. Martinez was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEMS 17D AND 17E MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.



THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, A MOTION TO ADJOURN WAS MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

THE MEETING ADJOURNED AT 6:54 P.M.



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LANCE RUCK, C.S.C. CHAIR



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TERRY BOND, C.S.C. SECRETARY

1-27-05

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DATE APPROVED